

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3 T. MATTHEW PHILLIPS and ALI  
4 SHAHROKHI,

5                   Plaintiffs

6 v.

7 VINCENT OCHOA, et al.,

8                   Defendants

Case No.: 2:21-cv-00483-APG-NJK

**Order Granting Motion to Dismiss and  
Denying Motion for Preliminary  
Injunction**

[ECF Nos. 13, 15]

9           Plaintiffs T. Matthew Phillips and Ali Shahrokhi are litigating divorce and child custody  
10 cases in Nevada state court. They have filed numerous lawsuits in this federal court challenging  
11 rulings in their state proceedings. In this case they allege, among other things, that the judges in  
12 their respective state cases have entered child custody orders that violate their rights to parent, to  
13 familial association, to be free from excessive punishment, and to equal protection. They also  
14 sue Nevada Attorney General Aaron Ford, but assert no claims against him, seeking only an  
15 order barring him from enforcing various Nevada child custody laws.

16           The defendants move to dismiss this lawsuit because the *Younger* abstention doctrine  
17 precludes federal courts from interfering with state court proceedings. This is especially true  
18 when, as here, the plaintiff's federal claims arise from domestic relations proceedings, which are  
19 traditionally left to the state courts. I agree, so I will grant the motion to dismiss.

20           *Younger* abstention applies in only three "exceptional categories." *Sprint Commc'ns, Inc.*  
21 *v. Jacobs*, 571 U.S. 69, 78 (2013). Specifically, *Younger* "preclude[s] federal intrusion into  
22 ongoing state criminal prosecutions . . . certain civil enforcement proceedings, . . . and pending  
23 civil proceedings involving certain orders . . . uniquely in furtherance of the state courts' ability

1 to perform their judicial functions.” *Id.* (internal quotations omitted) (quoting *New Orleans*  
 2 *Public Service, Inc. v. Council of City of New Orleans (NOPSI)*, 491 U.S. 350, 368 (1989). Prior  
 3 to the *Sprint* decision but after *NOPSI*, the Ninth Circuit held that family law matters are  
 4 “precisely the type of case suited to *Younger* abstention.” *H.C. ex rel. Gordon v. Koppel*, 203  
 5 F.3d 610, 613-14 (9th Cir. 2000). *Sprint* does not alter this result because issues of domestic  
 6 relations are uniquely in furtherance of state court functions.

7 A state has a vital interest in protecting “the authority of the judicial system, so  
 8 that its orders and judgments are not rendered nugatory.” *Juidice v. Vail*, 430 U.S.  
 9 327, 336 n. 12, 97 S.Ct. 1211, 51 L.Ed.2d 376 (1977). This is a particularly  
 10 appropriate admonition in the field of domestic relations, over which federal  
 courts have no general jurisdiction, *see Ankenbrandt v. Richards*, 504 U.S. 689,  
 697–701, 112 S.Ct. 2206, 119 L.Ed.2d 468 (1992), and in which the state courts  
 have a special expertise and experience.

11 *Id.*<sup>1</sup> Dismissal is required when *Younger* applies. *San Remo Hotel v. City & Cnty. of San*  
 12 *Francisco*, 145 F.3d 1095, 1103 (9th Cir. 1998).

13 The plaintiffs are actively litigating their custody issues in state court. Nevada has a  
 14 strong interest in how domestic relations issues are resolved. Nothing precludes the plaintiffs  
 15 from litigating their federal claims in the state court actions. Therefore, I will dismiss the claims  
 16 under *Younger* without reaching the other grounds for dismissal raised by the defendants.

17 I also dismiss defendant Ford from this case because no claims are asserted against him.  
 18 And I deny the plaintiffs’ motion for preliminary injunction (ECF No. 13) and their numerous  
 19 requests for judicial notice as moot.

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 23 <sup>1</sup> *See also Peterson v. Babbitt*, 708 F.2d 465, 466 (9th Cir. 1983) (“[F]ederal courts have  
 uniformly held that they should not adjudicate cases involving domestic relations, including the  
 custody of minors and *a fortiori*, the rights of visitation.” (internal quote omitted)).

1 I THEREFORE ORDER that the defendants' motion to dismiss **(ECF No. 15) is granted**  
2 and the plaintiffs' motion for preliminary injunction **(ECF No. 13) is denied.** The complaint is  
3 dismissed in its entirety.

4 I ORDER the clerk of the court to enter judgment accordingly and close this case.

5 DATED this 15th day of June, 2021.

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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE  
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